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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Judgment reserved on: 06th October, 2016

Judgment delivered on: 05th December, 2016

+ W.P.(C) 7109/2016

JAPJI KAUR

..... Petitioner

versus

UNIVERSITY OF DELHI

..... Respondent

Advocates who appeared in this case:

For the Petitioner

: Mr. Rakesh Khanna, Sr. Adv. with Mr. Vinod Kumar,
Mr. Anirudh Tanwar and Mr. Aminesh Gaba, Advocates.

For the Respondent

: Mr. Mohinder J.S. Rupal, Mr. Kirant Singh and Ms. Simran
Jeet, Advocates for DU.

CORAM:-

HON'BLE MR JUSTICE SANJEEV SACHDEVA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner has filed the present petition seeking a direction to the respondents to allow the benefit of Sports Quota to the petitioner for her admission in MA (Economics) in the year 2016.

2. The petitioner is a sport person engaged in the sport of Gymnastics. The petitioner qualified in BA (Hons) (Economics) from the Delhi University and secured 70.88% marks.

3. The petitioner seeks admission in MA (Economics) in Delhi University. The petitioner appeared in the competition examination for admission in MA (Economics) held in June, 2016. The petitioner applied for sport quota benefit as the petitioner claims to have played for the State and also at the national level.

4. The petitioner claims to have participated in the Gymnastics competition conducted by the Delhi Olympics Association in the year 2015 and also claims to have represented Delhi in the game of Gymnastics in National Women Sports Competition, Group-I held at Ranchi, Jharkhand in the year 2015.

5. Aspiring for admission in MA (Economics), the petitioner as per schedule of the respondent University went to the designated place i.e. the multi purposes hall of the University for documents verification on 21.07.2016. The respondent University held her to be ineligible for the sport quota and did not permit her to appear in the fitness test for 22.07.2016 and trials to be held on 25.07.2016.

6. It is contended that the petitioner was informed that she was not eligible because petitioner had not participated in any Inter College Competition in Gymnastics during the three years of her graduation. It is submitted that the petitioner could not participate in any Inter College Competition in the said three years because no such Inter College Competition in Gymnastics was held in the entire three years' period of her graduation.

7. The petitioner represented against the action of the respondent in holding the petitioner ineligible, contending that no such Inter College Competition had taken place during the three years' period under consideration. The petitioner thus impugns the action of the respondent in refusing to consider the petitioner under the sport category when the petitioner is not at fault as it is the respondent itself who did not hold Inter College Competition during the relevant period of three years.

8. It is contended by learned Senior Counsel for the petitioner that there are two separate categories of seats in MA (Economics) i.e. Direct admission seats and Entrance test seats. The students of Delhi University are eligible for admission in the direct category seats based on their result in the graduation examination. The entrance test seats are to be filled up based on the result of an entrance examination. Students from all universities including Delhi University are eligible to appear in the entrance examination, subject to other compliances.

9. There are total 232 seats, out of which 50% (i.e. 116 seats) are for direct admission and remaining 50% (i.e. 116) are through entrance test. There are 12 sport category seats, which are supernumerary seats. The 12 seats are bifurcated with six seats each in the direct category and the entrance category.

10. It is contended that the marks obtained by a student, seeking admission in the direct category sport quota, in BA (Economics) have

to be clubbed with the marks obtained in the entrance examination and certificates plus sport trials and thereafter a merit list is to be prepared. It is contended that if the marks of the petitioner obtained in BA (Hons) (Economics), i.e. 70.88, are clubbed with the marks that the petitioner could have obtained, if the petitioner was permitted to participate in the sport trials, the petitioner would have qualified for admission in sports quota.

11. It is contended that other departments/institutions under Delhi University have displayed bifurcated admission list in the sport quota for the direct and entrance examination categories. Reference is made to the admission list of the Delhi School of Economics, Department of Commerce and Department of Political Science.

12. Per contra, the respondent University has contended that petitioner is not entitled to seek admission in the sport quota, as the petitioner is not eligible for the same. It is contended that for admission in the sport quota, the procedure prescribed is that the candidates have to appear in an entrance examination and the marks obtained in the entrance examination is added to the marks computed as per the sports certificates & physical trials and thereafter it is determined as to who is eligible for admission.

13. It is contended that there is no bifurcation of the seats in direct/merit and entrance category in the sport quota. It is contended that the bifurcation of direct and entrance category is only for the regular seats

and not for the supernumerary seats. It is contended that the procedure for admission in sports category seats is separate which does not prescribe or bifurcate in the seats into direct/ merit and entrance category.

14. It is contended that as per the guidelines for admission, under the sport quota marking criteria, maximum 75 marks can be allotted for the sports certificates and maximum 25 marks can be allotted for the sport trials.

15. It is contended that the petitioner submitted two certificates. One of the Delhi Olympic Games 2015 and the other certificate for participation in the National Women Sports Competition held at Ranchi.

16. With regard to the certificate of the Delhi Olympic Games 2015, it is contended that it is not liable to be considered as the said event was only a State event and the admission criteria requires participation at national level.

17. It is further contended that to fall under category (1.a) a candidate has to secure 1st, 2nd, or 3rd position in Inter College Tournament and since no Inter College Tournament was held in the last three years, the petitioner does not fall in the said category.

18. It is further contended that the University had conducted selection trials, in Gymnastics, of 11 students picked from various

colleges in the University in the year 2014 and 2015 for being selected for all India Inter University Tournament. The petitioner also participated in the said selection trials and secured 10th and last i.e. 11th position respectively and thus was not allowed to participate in the all India University Competition. It is contended that the said trials were considered as equivalent to Inter College Tournament and since the petitioner did not secure 1st, 2nd and 3rd position in the trials, the petitioner cannot claim benefit of the same under category (1.a).

19. It is further contended that the certificate for participation in the National Women Sports Competition held at Ranchi cannot be relied upon by the petitioner, as it is not clear whether the event was recognized by the Indian Olympic Association, which is mandatory to fall within category (1.b).

20. It is contended that even if the said certificates were to be considered, the petitioner at best could have secured 30 marks for certificates and if maximum marks were allocated to the petitioner for sports trials (i.e. 25 marks) the total score out of 100 would be 55. The petitioner has secured minus (-)1 in the entrance examination and accordingly the total out of 200 would have become 54 and the average percentage marks of the petitioner would be 27%.

21. It is contended that even if the petitioner were to be considered with the maximum 27%, the marks that the petitioner at best could have scored, the petitioner would be well below the candidates who

have been selected as the candidate at Sl. No. 12 who was offered admission had scored 32.83% marks. Candidate ranking 2 i.e. Semanti Chaudhary did not take admission. Even if that seat were to be considered, the candidate ranking 13 and 14 had scored 30.67% and 29.22% respectively, which is more than the maximum that the petitioner could have scored.

22. To resolve the controversy we would need to examine the Bulletin of Information for Admission to Post Graduate/Master's Courses (2016 – 2017). The relevant clauses thereof are:

1.2.3. Mode of admission and Seat availability

a) In all the Faculties Departments, except the ones offering inter-disciplinary or professional courses, there are two modes of admission for postgraduate courses:

*i. **Merit or Direct.** 50% of the total intake shall be filled by direct admission of the students of the University of Delhi only, on the basis of merit. This mode is not available to students from other Universities.*

*ii. **Entrance:** Remaining 50% of the seats shall be filled through entrance examination and Interview/Group Discussion, if any.*

b) It may again be noted that all the candidates seeking admission to the postgraduate courses are

required to register online, irrespective of the mode of intake.

- c) Candidates can choose to apply in these two modes under the following three options: (a) Merit only, (b) Entrance only, or (c) Merit + Entrance.*
- d) The seat distribution for each Course under Direct and Entrance modes is given in **Annexure-VI**. The reservation to the prescribed extent shall apply separately in both the modes (Direct and Entrance) in compliance with the rules notified by the University from time to time, and is provided in **Annexure-VI**.*
- e) The Courses having Interview/Group Discussion (GD) after Entrance test, along with their weightage are given in **Annexure-I**.*
- f) A List of PG/Master's courses offered by various faculties for online admission process is given in **Annexure-II**. It may be noted that certain Faculties Courses, which are not part of the current online registration process, are listed in **Annexure-VII**.*

23. As per clause 1.2.3, there are two modes of admission to post graduate courses i.e. Merit or Direct and Entrance. 50% of the seats are to be filled up by Direct Admission from students of University of Delhi only on the basis of their merit and remaining 50% of the seats are to be filled up entrance examination and Interview/Group

Discussion, if any.

24. The distribution of seats for each Course under Direct and Entrance modes is given in Annexure-VI, which also provides the prescribed reservation and stipulates that it shall apply separately in both the modes (Direct and Entrance) in accordance with the rules.

25. In MA Economics, the course in which petitioner seeks admission, the seat distribution and eligibility in Entrance and Merit category prescribed in Annexure VI is as under:

Course Name: M.A. Economics

Total Seats: 232

Seats Distribution

<i>Exam Type</i>	<i>General</i>	<i>SC</i>	<i>ST</i>	<i>OBC</i>	<i>TOTAL</i>
<i>Entrance</i>	<i>59</i>	<i>17</i>	<i>9</i>	<i>31</i>	<i>116</i>
<i>Merit</i>	<i>59</i>	<i>17</i>	<i>9</i>	<i>31</i>	<i>116</i>

Eligibility in Entrance Category

<i>Category Id</i>	<i>Course Requirements</i>	<i>Marks Requirements</i>
<i>1</i>	<i>B.A. (Hons.) Economics of the University of Delhi</i>	<i>50% or more marks in Aggregate</i>
<i>2</i>	<i>All other Graduates/Post graduate Degrees of Delhi University or other recognized Universities</i>	<i>60% or more marks in aggregate</i>

Eligibility in Merit Category

<i>Category Id</i>	<i>Course Requirements</i>	<i>Marks Requirements</i>
<i>3</i>	<i>B.A. (Hons.) Economics of the University of Delhi</i>	<i>50% or more marks in Aggregate</i>

26. The total number of seats in MA Economics is 232 out of which 116 seats are for Entrance category and 50% are for Merit Category. The merit category seats are available for being filled up by students who have qualified BA (Hons) Economics from Delhi University based on their result in the said examination. The remaining 50% seats are to be filled up through an entrance examination and all graduates and post graduates of Delhi University or other universities are eligible (subject to minimum marks in the qualifying examination) to appear in the entrance examination. Based on the result of the entrance examination, the seats are to be filled up. The candidates, subject to their eligibility, have three options (a) Merit only, (b) Entrance only, or (c) Merit + Entrance. The students who have qualified BA (Hons) Economics from Delhi University can choose any of the three options, other students can choose only the entrance option.

27. Within these two categories there are reservations for Schedule Caste, Schedule Tribe and Other Backward Classes. Over and above these 232 seats in the two categories, there are Supernumerary seats reserved for (i) Persons with Disability (PwD), (ii) Children/Widows of the eligible Armed Forces Personnel including Para Military Forces (CW Category), (iii) Foreign Nationals and (iv) Sports.

28. The Sports Quota seats are stipulated in the Information

Bulletin as under:

“2.5.2. Supernumerary seats

2.5.2.4. Sports: *Upto 5% of total intake in each postgraduate course, wherever applicable, may be offered to the candidates on the basis of Sports in accordance with the guidelines issued by the University from time to time. Criteria for admission to the PG courses on the basis of Sports are given in Annexure-V.”*

29. Annexure V of the Information Bulletin lays down the criteria for admission on the basis of sports as under:

“ANNEXURE – V

CRITERIA FOR ADMISSION ON THE BASIS OF SPORTS TO POSTGRADUATE COURSES

I. Super Category: Direct Admission by the Department without Trials.

Sportspersons who have participated/represented the country in the following competition(s):

- a. Olympic Games by International Olympic Committee*
- b. World Championships under International Sports Federation (IOA and/or MYAS recognized/affiliated Games)*
- c. Asian Games by Olympic Council of Asia*
- d. Asian Championships organized by International Federation of concerned game /*

sports (recognized/affiliated by MYAS and / or IOA.

- e. Commonwealth Games, S.A.F Games and Afro – Asian Games.*
- f. Paralympic Games (recognized/affiliated by IOC and/ or MYAS)*

II. General Category: Admission by the Department Based on Sports Trials.

- a. Maximum 25 Marks for Sports Trials*
- b. Maximum 75 Marks for Sports Certificates (Chart Enclosed)*
- c. It is essential for the Sportsperson to qualify any one of the following Fitness Test items for Archery. Chess and Shooting and any Two of the following Fitness Test items for other Games / Sports as per the standard laid down by the University (for the general fitness).*

<i>Strength</i>	<i>Standing Broad Jump 1.85 mtrs. for Men 1.35 mtrs. for Women</i>	<i>Three Attempts Allowed</i>
<i>Endurance</i>	<i>1000 mts. Run/Walk 4.49 min. for Men 5.49 min. for Women</i>	<i>One Attempt Allowed</i>
<i>Speed</i>	<i>50mts Dash 7.9 sec. for Men 8.9 sec. for Women</i>	<i>One Attempt Allowed</i>

Note:- The Fitness Test will be conducted by the Delhi University Sports Council

- d. The Delhi University Sports Council shall videos-graph the Physical Fitness and Sports Trials.*

- e. *Maximum 25 Marks for Sports Trials includes skill test, game performance test, game/sports etc.*
- f. *Test Brief: Test will be briefed by the Expert before the Trials.*
- g. *Composition of the Sports Admission Committee*

(i)	<i>Chairman, DUSC</i>	<i>Chairman</i>
(ii)	<i>University Director of Physical Education</i>	<i>Convenor</i>
(iii)	<i>University Assistant Director/s of Physical Education</i>	<i>Member/s</i>
(iv)	<i>Two Physical Education Teachers to be nominated by the Chairman/ Convenor</i>	<i>Member/s</i>
(v)	<i>One Game Expert to be nominated by the Chairman/ Convenor</i>	<i>Expert</i>

Note:

- 1. Minimum 9 marks is required to be attained by the sportsperson in Sports Trials for Sports Admission.*
- 2. Evaluation and Marking shall be done by the technical hands only.*
- 3. An Undertaking on Judicial Stamp paper of Rs. 100/- shall be given by the finally selected candidates at the time of admission that the candidate will play for the University, all the years, during the candidate's Postgraduate Course Study.*

Procedures:

1. *Sportspersons who have Secured Position/ Participated in International Tournament/ Competition in Individual / Term Event/s as per Super Category will be given Direct Admission by the Department and are exempted to appear in the Department Entrance Test provided they fulfil the minimum percentage requirement at the time of filling the Application Form.*
2. *The Sports Admission Committee of the Delhi University Sports Council shall screen the applications, applied under the Sports Category and conduct the Fitness Test and Sports Trials and recommended Admission on the basis of Sports to the concerned Department as per Certificate Marking Chart enclosed (New Sports Policy 2014).*
3. *The concerned Department will sent a list of candidates who have applied under the Sports Category alongwith copies of Sports Certificates to the DUSC by the date to be decided by the DUSC.*
4. *The Number of Seats (Course-wise) to be filled by the Department under Sports Category should be communicated well in advance to the DUSC.*
5. *The level of competency in the Sports will be determined only of the Sportsperson who has achieve distinction in Sports during the candidate's year of study in Undergraduate Course/s in Sports/Games recognized by AIU and IOA. Preference will be given to Sports/Games in which Inter-University Competitions/ Tournaments are held.*

6. *The DUSC must keep proper record of the candidates admitted under Sports category.*
7. *The candidate as per the candidate's age must be eligible to participate in Inter-Varsity Competition/ Tournament for the next two years and should not be employed Part-Time / Full Time anywhere.*
8. *Candidate submitting false/fake certificate will be debarred from admission to any course in any Department for two years. If the candidate is admitted their admission will be cancelled. Such cases will be notified to all Department.*
9. *A notification indicating the schedule of verification and Marking of Physical Fitness, and Sports Trials will be notified to all the Department/s by the Delhi University Sports Council.*
10. *The admission to the Supernumerary Seats under the Sports Category be finalized by each Department i.e. the Marks obtained in Sports Trials to added to the Marks obtained in Department Entrance Test and a separate Sports Merit List be prepared. The Department will then make Admission as per the Sports Merit List. The Sports Merit List should be sent to DUSC for verifying the details and submission of Undertaking by candidate before depositing fees in their respective Department/s.*
11. *There shall be a Grievance Committee for Sports Admissions, constituted by the Vice Chancellor for grievances in this respect.*

30. The criteria for admission on the basis of sports quota lays down two categories i.e. Super Category and General Category. The Super Category is for sports persons who have represented the country in the specified competitions. General Category admissions are based on sports trials. Maximum 25 marks are to be awarded for Sports Trials and 75 marks for sports certificates.

31. The certificates earned by the candidates for participation in various competitions are to be assigned marked in accordance with the scheme prescribed. The said scheme is as under:

(Intentionally left blank)

(Intentionally left blank)

(Intentionally left blank)

DELHI UNIVERSITY SPORTS COUNCIL
CERTIFICATE MARKING CRITERIA OUT OF MAXIMUM 75
MARKS

Category	Level of Competition/ Tournament	Certificate from	Certificate Marking Criteria 75 marks (Maximum) Position				Only for Illustration		
			1 st	2 nd	3 rd	Participation	Participation		Progression of scores for 4 th , 3 rd , 2 nd , 1 st participation
1.a	Position and participation in Individual Event/ Team Event/s in All India Inter University Competition /Tournament Position *(The team placed 1 st , 2 nd and 3 rd in North Zone will be given 5 Marks extra for University of Delhi players as Bonus Marks only in participation category)	Association of Indian Universities	Direct Admn.	70	60	45+5*	All 4 Years	5 pts.	75-73-72-71
							All 3 Years	3 pts.	65-63-62-61
							All 2 Years	2 pts.	50-48-47-46
							Only 1 Year	1 Pt.	
1.b	Position and participation in Individual Event/ Team Event/s in Senior/ Junior National /National Games /Federation Cup/Championship/ Other Tournaments at the National Level recognized by IOA, Subject to the candidates secured I, II, III position in Inter College Tournament(s)	National Sports Federation /AIU/IOA	45	40	35	30	All 4 Years	5 pts. 3 pts. 2 pts. 1 Pt.	50-48-47-46 45-43-42-41 40-38-37-36 35-33-32-31

32. As per the procedure prescribed, the Marks obtained in Sports Trials are to be added to the Marks obtained in Department Entrance

Test. The admission is based on the Sports Merit List prepared by the cumulative of the two. The admission in the sports quota seats are on the basis of Sports Trials and entrance tests. Except that the candidates who have represented India in certain specified competitions are entitled to direct admission without the necessity of undergoing sports trials.

33. There is no sub-division of sports quota seats in Merit or Direct and Entrance Test categories. Unlike the 232 seats, which are bifurcated 50% for Merit or Direct and 50% for Entrance Test categories, there is no such bifurcation in the supernumerary Sports Quota seats. The information Bulletin does not make any such distinction. Reliance placed by the petitioner on Annexure P – 11 to contended that the Supernumerary seats are also bifurcated in Direct – 50% and Entrance 50% is misplaced. Annexure P – 11 is an extract of the Bulletin of Information of the year 2014 – 2015. The Bulletin of Information for the year 2016 – 2017, with which we are concerned, does not have any such bifurcation.

34. The contention of the petitioner that there are 6 seats each in the direct category and the entrance category is not tenable. Further contention that the marks obtained by a student seeking admission in the direct category sport quota in BA (Hons) (Economics) have to be clubbed with the marks obtained in the entrance examination and certificates plus sport trails and thereafter a merit list is to be prepared is also not tenable.

35. As noted above, there are total 12 supernumerary sports quota seats for being filled up on the basis of sports category. There is no bifurcation in them. The procedure of filling up of the seats prescribed, stipulates the preparation of a merit list after clubbing the marks obtained in sports trials and entrance test. The marks obtained in graduation are not to be taken into account for this purpose.

36. The petitioner has submitted two certificates. With regard to the certificate of the Delhi Olympic Games 2015, the stand of the Delhi University is that it is not liable to be considered because the said event was only a State event and the admission criteria requires participation at national level. Further, the stand of the University is that to be eligible under category (1.a), a candidate has to secure 1st, 2nd, or 3rd position in Inter College Tournament and since no Inter College Tournament was held in the last three years the petitioner does not fall in that category. Further, the University had conducted selection trials in Gymnastic of 11 students picked from various colleges in the University in the year 2014 and 2015 for being selected for all India Inter University Tournament. Though the petitioner participated in the said selection trials but secured 10th and last i.e. 11th position respectively and was not allowed to participate in the all India University Competition. Those trials were considered as equivalent to Inter College Tournament and because the petitioner did not secure 1st, 2nd and 3rd position in the trials, the petitioner is not entitled to claim benefit under category (1.a).

37. With regard to the certificate for participation in the National Women Sports Competition held at Ranchi is concerned, the stand of the University is that it is not clear that the event was recognized by the Indian Olympic Association, which is mandatory to fall within category (1.b) and for consideration of the certificate. The University in its counter affidavit has averred as under:

“15. Be that as it may, and without prejudice to the above, even if the Petitioner is treated to be falling in Category I.b by ignoring the above precondition (Proviso) even then the Petitioner is entitled to maximum 30 marks for alleged participation in National Women Sports Competitions held in Ranchi for which the Petitioner claims to have participated as per photocopy of certificate at page 50 of the Writ Petition. This is the only purported Certificate on which the Petitioner can rely to claim to have participated at the National Level though it is not even borne out if the said event was recognised by IOA (For which Petitioner is put to strict proof) which is mandatory to fall within Category I.b. Be that as it may, be even if the Petitioner is taken to have secured maximum 25 marks in the sports trial then, her total marks cannot be more than 54 $[30+25+(-1)=54]$ out of 200. This makes the Average % of marks as 27 % which the Petitioner can score maximum even if fresh trial is directed by this Hon'ble Court, which otherwise is not even prayed for herein. The true and correct copy of the relevant rule and the computation arrived at is annexed hereto and marked as ANNEXURE R-2.”

(underlining supplied)

38. The Petitioner in the rejoinder affidavit, in answer to paragraph

15 of the counter affidavit, has not responded to the doubts expressed by the respondent University with regard to admissibility of the certificate of the National Women Sports Competition held in Ranchi. The Petitioner in para 15 of the Rejoinder has stated as under:

“15. That the contents of para 15 are misconceived, wrong and hence denied, except to the extent the same are matter of record. The calculations, in the absence of the concerned documents are denied. Having played at the National level, the petitioner is entitled 30 marks. If the maximum marks of trial are added to that, sports quota marks in respect of the respondent comes to 55. If the same are added to her graduation marks, she becomes eligible for admission to MA Economics. Otherwise, also her claim cannot be restricted only in the category of the admission through entrance examination. The moot question is that she has been illegally denied the benefit of sports quota and the respondent cannot take advantage of its own wrongs. It is important to mention that the admission in the M.Com is also under the Delhi School of Economics and the list for admission in the said course, contains separate categories for merit and entrance examination for admission in sports quota. It is therefore, not understood why the benefit of sports quota is restricted to only entrance examination in MA(Economics). A list as published for admission in M.Com. is annexed herewith and marked as Annexure A-1 to this rejoinder. Similar procedure has been followed by the respondent University for other postgraduate courses and the final lists published by the respondent are annexed herewith and marked as Annexure A-2(Colly). Thus the stand of the respondent in respect of admissions in sports quota in MA Economics is arbitrary, unreasonable and in violation of Article 14 of the Constitution. To this effect, even clause 10 of Procedure in Annexure V to the University Bulletin is

unconstitutional being unreasonable and arbitrary. The petitioner reserves her right to challenge the same.”

39. Clearly, the petitioner has not replied to the contention of the respondent that the certificates of the petitioner are not admissible. Furthermore the requirement is either “(1.a) *Position and participation in Individual Event/ Team Event/s in All India Inter University Competition /Tournament Position* or (1.b) *Position and participation in Individual Event/ Team Event/s in Senior/ Junior National /National Games /Federation Cup/Championship/ Other Tournaments at the National Level recognized by IOA.*”

40. As noted above, the petitioner has not participated in any All India Inter University Competition/Tournament, so petitioner is not covered under category (1.a). With regard to the certificate submitted by the petitioner for the tournament at Ranchi, the rule requires the tournament to be recognised by Indian Olympic Association, The Respondent had raised doubt as to the recognition by Indian Olympic Association of the tournament in the counter affidavit, which as noted above has not been responded to by the petitioner. Therefore, the petitioner is also not covered under category (1.b). Thus, the certificates of the petitioner cannot be considered.

41. Since the certificates are not admissible, the action of the respondent in denying the petitioner an opportunity to participate in the sports trial cannot be faulted.

42. Even if the certificates of the petitioner were considered, the petitioner at best could have secured 30 marks for certificates and if maximum marks were allocated to the petitioner for sports trials (i.e. 25 marks) the total score out of 100 would be 55. The petitioner has secured minus (-)1 in the entrance examination and accordingly the total out of 200 would have become 54 and the average percentage marks of the petitioner would be 27%.

43. The 12 Candidates selected by the Respondent for provisional admission in Sports Category in M.A. (Economics) 2016 – 2017 alongwith their average percentage marks is as under:

S.No	Name	Certificate Marks	Trial Marks	Total Marks	Entrance Marks %	Total out of 200	Aver. %	Rank
1.	Persant Jakhar	71	24	95	14.16	109.2	54.58	1
2.	Semanti Choudhury	60	23	83	14.16	97.16	48.58	2
3.	Gurmanprit Kaur	61	24	85	3.33	88.33	44.16	3
4.	Arun Khatri	47	23	70	16.66	86.66	43.33	4
5.	Manika Tomar	45	24	69	16.66	85.66	42.83	5
6.	Prerna Praveen	52	23	75	10.00	85.00	42.50	6
7.	Sakshi Chauhan	45	23	68	13.33	81.33	40.66	7
8.	Tushar Jain	45	24	69	5.83	74.83	37.41	8
9.	Sakansh Gupta	45	23	68	5.83	73.83	36.91	9
10.	Vijay Singh Bangari	45	22	67	3.33	70.33	35.16	10
11.	Vaibhavi Yadav	45	23	68	1.66	69.66	34.83	11
12.	Chitveen Kaur	46	23	69	3.33	65.67	32.83	12

44. Since, there are only 12 seats, the Respondent University declared the list of 12 candidates selected. The candidate ranked 12 had an average score of 32.83%. One of the 12 selected candidates' i.e. Semanti Chaudhary did not take admission. The scores of the

candidates who ranked 13 and 14 are as under:

S.No	Name	Certificate Marks	Trial Marks	Total Marks	Entrance Marks %	Total out of 200	Aver. %	Rank
13.	Atma Prakash	46	22	68	6.66	61.34	30.67	
14.	Mayank Kundu	30	21	51	6.66	58.66	29.33	

45. If the certificate submitted by the petitioner for the tournament at Ranchi was taken into account and the Petitioner had been permitted to participate in the sports trial and assuming that she had scored the maximum marks assigned for trials i.e. 25, the average scores of the petitioner would have been as under:

S.No	Name	Certificate Marks	Trial Marks	Total Marks	Entrance Marks %	Total out of 200	Aver. %	Rank
	Japji Kaur	30	25	55	(-) 1	54.00	27.00	

46. It may be noted that none of the selected candidates have been given the maximum marks of 25 in the sports trials. Even if the best-case scenario were to be considered for the petitioner, she would have scored 27.00%, which is less than the 13th and 14th candidate who had scored 30.67% and 29.33%. It may be noted that admission had been offered to only 12 candidates and the candidates ranked 13 and 14 have not been offered admission. Even if the petitioner had been permitted to participate in the trials, the petitioner would not have qualified for admission under the sports category seat. Since, the petitioner does not qualify for admission in the sports category, the

action of the respondent in denying admission to the petitioner cannot be faulted.

47. The contention of the petitioner that since some other departments under the Respondent University have bifurcated the sports quota seats in Merit or Direct and Entrance Test categories, the benefit of the same should also be given to the petitioner, holds no merit. First of all, as held hereinabove, the rules do not permit bifurcation of the sports quota seats in Merit/ Direct and Entrance Test categories. Secondly, even if some other department, by misinterpreting the rule has bifurcated the seats and granted admission, the petitioner cannot claim parity and benefit of the same. It is a settled position of law that no person can claim negative equality.

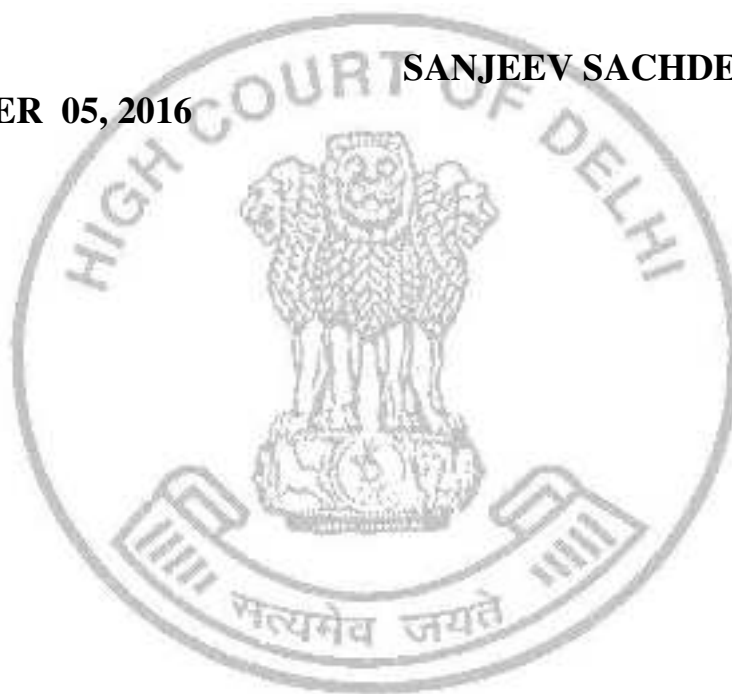
48. Guarantee of equality before law, under Article 14 of the Constitution of India, is a positive concept. It cannot be enforced by a citizen or court in a negative manner. If an illegality or irregularity has been committed in favour of any individual or a group of individuals, others cannot invoke the jurisdiction of the High Court and seek that the same irregularity or illegality be committed, in so far they are concerned, on the reasoning that they have been denied the benefits which have been extended to others although in an irregular or illegal manner. If such claims were to be enforced, it would amount to directing to continue and perpetuate an illegality. Before a claim based on equality can be upheld, it must be established by the

petitioner that his claim being just and legal, has been denied to him, while it has been extended to others and in this process, there has been a discrimination.¹

49. In view of the above, I find no merit in the petition. The Writ Petition is dismissed, with no orders as to costs.

DECEMBER 05, 2016
'rs'

SANJEEV SACHDEVA, J



¹ ***Gursharan Singh v. New Delhi Municipal Committee,***
(1996) 2 SCC 459